

## Building and Development

### MEMORANDUM

**DATE:** April 23, 2010

**TO:** The Loudoun County Planning Commission

**FROM:** Laura Edmonds, Chesapeake Bay Project Manager

**SUBJECT:** April 28, 2010 Planning Commission Work Session  
CPAM-2009-0002, ZOAM-2009-0004, DOAM-2009-0004  
Chesapeake Bay Preservation Act Amendments

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The Planning Commission will continue discussion of the Chesapeake Bay Preservation Act amendments at the April 28, 2010 Work Session. Please bring the March 24, 2010 Stakeholder/Planning Commission Public Hearing Comment Matrix from the March 31, 2010 Planning Commission Work Session packet to the meeting.

Since the last meeting, staff has updated the Chesapeake Bay Preservation Ordinance (CBPO) and the draft Grandfathering Policy to reflect the discussion during the April 19, 2010 Work Session. Staff has also proposed some minor edits to the CBPO, the Code Amendments, the Zoning Ordinance Amendments, and FSM Chapter 8. The summary of Planning Commission and staff amendments included in the April 28, 2010 drafts is as follows:

#### **CBPO:**

1222.05(r): to clarify that RMA does not include area within the Towns  
1222.05(v): to refer to a defined term  
1222.07: to designate a CBPA  
1222.10(a) & (b): per the April 19, 2010 Work Session  
1222.11(a)i: to refer to a defined term  
1222.11 (a)iv: to require the RPA delineation  
1222.11(b): to clarify that the Locational Clearance must be approved.  
1222.11(d), (d)i, (d)ii & (d)iii: to require the RPA delineation and re-format  
1222.11(e) & (e)v: to require the RPA delineation and to simplify the text  
1222.11(e)iv: to refer to a defined term  
1222.12(a), (b), (c), & (d): to simplify the text  
1222.13: the RMA is singular  
1222.14(d)iii: per the April 19, 2010 Work Session  
1222.14(e)i: typo  
1222.16: to clarify that these requirements apply after adoption  
1222.16(a): per the April 19, 2010 Work Session  
1222.17(a)ii: to refer to a defined term  
1222.17(a)iv & v: for consistency with State Emergency Regulations adopted 4/7/10  
1222.17(a)vi: per the April 19, 2010 Work Session  
1222.17(b)i.a: to refer to a defined term and to clarify where it is to be depicted

1222.17(c): the RPA is singular  
1222.17(d)ii: for consistency with State Emergency Regulations adopted 4/7/10  
1222.18: to refer to a defined term  
1222.19(a)iv & v and 1222.19(c): to refer to a defined term and to maintain consistency  
1220(a)i.e: to refer to a defined term  
1222.22(a): to correct the reference to "RPA" exceptions  
1222.23(a): to clarify when exceptions would apply  
1222.23(a), (a)i-iv, (b), (c) & (e): to correct the reference to "RPA" exceptions

**Code Amendments:**

1066.07: for consistency with State Emergency Regulations adopted 4/7/10

**Zoning Ordinance Amendments:**

Lot Area: to remove a qualifier; this only applies to lots created for residential use

**FSM Chapter 8:**

8.107.A.2: to renumber consistent with 1/9/09 approved FSM amendments

**Draft Grandfathering Policy:**

Section 6(d), 6(f), and 7(b): per the April 19, 2010 Work Session

Staff is still drafting the letter to the Board of Supervisors containing the Planning Commission recommendations discussed to date. The letter will be e-mailed to the Planning Commission prior to April 28, 2010 Work Session.

**SUGGESTED MOTIONS**

1. I move that the Planning Commission forward ZOAM 2009-0004, DOAM 2009-0004, the Chesapeake Bay Preservation Ordinance (CBPO), and the Proposed Amendments to the Codified Ordinances of Loudoun County Associated with the CBPO, as amended through April 28, 2010, to the Board of Supervisors with a recommendation of approval.

AND

2. I further move that CPAM-2009-0002 be forwarded to a future Planning Commission Work Session for certification.

OR

3. I move an alternate motion.

## **ATTACHMENTS**

1. Chesapeake Bay Preservation Ordinance
2. Code Amendments
3. Zoning Ordinance Amendments
4. FSM Chapter 7
5. FSM Chapter 8
6. Revised General Plan
7. Countywide Transportation Plan
8. CBPO Draft Grandfathering Policy